IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3184 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VERAVAL PATAN TALUKA COOPERATIVE PURCHASE & SALE

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3184 of 1999

MR PS CHAMPANERI for Petitioner No. 1-2

GOVERNMENT PLEADER for Respondent No. 1

RULE SERVED for Respondent No. 2

DS AFF.NOT FILED (N) for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 12/04/2004

ORAL JUDGEMENT

The petitioners have challenged the action of the respondent No.2, whereby at the instance of respondent No.3, certain societies were inducted as members of the respondent No.2 Federation, as per Annexure.C to the petition.

2. This Court in Special Civil Application No. 2246 of 1999 has directed in a similar case, relegating the petitioner to file suit under Section 96 of the Act.

3. Learned Advocate Mr.Champaneri contended that if the petitioner is relegated to the alternative remedy after a period of five years, then his case will not be considered by the Board of Nominees on the ground of delay.

4. The petitioners, in a bonafide belief, have filed the present proceedings on 16th April 1999. Therefore, if the petitioners approach the Board of Nominees within six weeks from today, their case may be considered on merits without pressing any technical objections of delay. The petition is disposed of accordingly. Rule is discharged. No order as to costs.

Direct service is permitted.

(K.S.Jhaveri, J.)

Sreeram.